

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34044 of 2025

Arising Out of PS. Case No.-153 Year-2025 Thana- MAJORGANJ District- Sitamarhi

Babulal Paswan S/O Bindeshwar Paswan R/O Village- Masahi, P.S.- Suppi,
District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Kant Singh, Advocate

For the Opposite Party/s : Mr. Awadhesh Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 29-05-2025 Heard the learned counsel for the petitioner and the
learned Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail in connection with
Majorganj P.S. Case No. 153 of 2025, registered for the offences
punishable under Section 317(5) of Bhartiya Nyaya Sanhita and
Section 30(a) of Bihar Prohibition & Excise Act. Petitioner has
clean antecedent.

3. As per the prosecution case, the police got an
information that a tempo was going loaded with a illegal Nepali
liquor. One Tempo was subsequently intercepted and the driver
on seeing the police party, tried to flee, however, he was chased
and apprehended who disclosed his name as Babulal Paswan
(petitioner). On search, total 351 liters of illegal Nepali liquor
was found.



4. The learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that no such seizure as alleged has been made from the conscious possession and he has been arrested merely on suspicion. It has further been submitted that the petitioner is neither the owner nor the driver of the said tempo and no incriminating material has been recovered from the conscious physical possession of the petitioner. The learned counsel lastly submits that the petitioner has clean antecedent and he is in custody since 13.04.2025.

5. The learned A.P.P. for the State has vehemently opposed the prayer for bail.

6. Considering the aforesaid submissions made by the parties and taking into account that the petitioner has clean antecedent, I am inclined to grant the petitioner privilege of regular bail.

7. Accordingly, the prayer for bail is allowed.

8. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the court of learned Special Judge, Exclusive Special Court No.1, Sitamarhi, in connection with Majorganj P.S. Case No. 153 of



2025, subject to the following conditions:-

(i) One of the bailors of the petitioner shall be his close relative.

(ii) The petitioner shall remain physically present in Court on each date of the trial.

(iii) In case of absence on two consecutive dates, or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the Court concerned.

(iv) If the petitioner is found involved in similar nature of offence in future, the prosecution shall be at liberty to move for cancellation of his bail bond.

(v) The learned Court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Sourendra Pandey, J)

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